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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/811,546		03/20/2001	Karl Kolter	51284	9100	
26474	7590	10/30/2003		EXAMI	EXAMINER	
KEIL & W	_	=	SPEAR, JA	SPEAR, JAMES M		
	1350 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER	
	, -			1615	8	
			DATE MAILED: 10/30/2003			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Advisory Action	09/811,546	09/811,546 KOLTER ET AL.	
Advisory Addon	Examiner	Art Unit	-
	James M Spear	1615	•
The MAILING DATE of this communication app	ears on the cover sheet with the o	correspondence add	ress
THE REPLY FILED 26 August 2003 FAILS TO PLACE. Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this applicated in the same of the	ation. A proper reply h places the applica	/ to a tion in
PERIOD FOR R	EPLY [check either a) or b)]		
a) The period for reply expires 6_months from the mailing dat b) The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire ONLY CHECK THIS BOX WHEN THE FIRST REPLY WA 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Off timely filed, may reduce any earned patent term adjustment. See 37	Advisory Action, or (2) the date set forth later than SIX MONTHS from the mailin S FILED WITHIN TWO MONTHS OF The date on which the petition under 37 CF of extension and the corresponding amount of the shortened statutory period for replying later than three months after the mai	g date of the final rejection. R 1.136(a) and the approper of the fee. The appropriate of the fee.	on. See MPEP opriate extension opriate extension Office action; or
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CF	R 1.191(d)), to avoid dismissal o		
2. The proposed amendment(s) will not be entered be	ecause:		
(a) they raise new issues that would require furth	er consideration and/or search (see NOTE below);	
(b) they raise the issue of new matter (see Note	below);		
(c) they are not deemed to place the application issues for appeal; and/or	in better form for appeal by mate	rially reducing or sin	nplifying the
(d) they present additional claims without cancelNOTE:	ling a corresponding number of fi	inally rejected claims	S.
3. Applicant's reply has overcome the following rejection	etion(s):		
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	I be allowable if submitted in a se	eparate, timely filed	amendment
5. The a) affidavit, b) exhibit, or c) request for application in condition for allowance because:		dered but does NO	Γ place the
6. The affidavit or exhibit will NOT be considered bed raised by the Examiner in the final rejection.	cause it is not directed SOLELY t	o issues which were	enewly
7. For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims w	· · · · · · · · · · · · · · · · · · ·		nd an
The status of the claim(s) is (or will be) as follows:			
Claim(s) allowed:			
Claim(s) objected to:			•
Claim(s) rejected: 1,3-19 and 21-24.			
Claim(s) withdrawn from consideration:			
8. The proposed drawing correction filed on is	a) approved or b) disapp	roved by the Examir	ner.
9. Note the attached Information Disclosure Stateme	nt(s)(PTO-1449) Paper No(s)		
10.⊠ Other: <u>SEE ATTACHED</u>		, ,)
	Ja	mas) M. Spa	rar
		James M Spear Primary Examiner Art Unit: 1615	

U.S. Patent and Trademark Office PTOL-303 (Rev. 04-01) Application/Control Number: 09/811,546

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1. Applicant's arguments filed August 26, 2003 have been fully considered but they are not persuasive. While applicants feel Kolter et al does not teach each and every element of amended claim 1, the reference need only show an amount within applicants' range of 20 to 80 percent, which it does in showing the lower limit of 20 percent for the binder. Claim 1 of Kolter et al shows elements a) polyvinyl acetate and b) N-vinylpyrrolidone may constitute the entire binder in a ratio of 6:4 to 9:1 and the upper limit of 20 percent binder clearly reads on applicants' claim 1.

While applicants feel Ortega does not show the same formulated mixture of polyvinylpyrrolidone and polyvinyl acetate as applicants, how a composition is made is not a basis for determining patentability of composition claims. The reference shows the same components as applicants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Spear whose telephone number is 703 308 2457. The examiner can normally be reached on Monday thru Friday from 6:30 AM to 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page, can be reached on (703) 308 2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

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Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703 308

1235.

10/29/2003

James M. Spear **Primary Examiner**

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